

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FAIRLIS G. RAMSEY,)	
)	
Plaintiff,)	
)	
v.)	No. 1:23-cv-01782-RLY-TAB
)	
KEITH HARTZEL, et al.,)	
)	
Defendants.)	

Order Screening Complaint and Directing Further Proceedings

Fairlis Ramsey brought this civil action alleging that the defendants were deliberately indifferent to the health risks he faced from asbestos exposure at Plainfield Correctional Facility. Because Mr. Ramsey is incarcerated, the court must screen his complaint before service on the defendants. 28 U.S.C. § 1915A(a), (c).

I. Screening Standard

When screening a complaint, the court must dismiss any portion that is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915A(b). To determine whether a complaint states a claim, the court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Schillinger v. Kiley*, 954 F.3d 990, 993 (7th Cir. 2020). Under that standard, a complaint must include "enough facts to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The

court construes *pro se* complaints liberally and holds them to a "less stringent standard than formal pleadings drafted by lawyers." *Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017).

II. The Complaint

Mr. Ramsey names three defendants: (1) Deputy Warden Keith Hartzel; (2) Recreation Leader Chris Platt; and (3) Head of Maintenance Mr. Servizzi.

Mr. Ramsey alleges that he suffers from asthma. He further alleges that floor tiles containing asbestos were discovered during renovations of the gymnasium at Plainfield. Inmates notified Mr. Platt about the tiles, but he ordered removal to continue.

In June 2022, an outside inspector recommended closing the recreation building until all asbestos was removed. Instead, Deputy Warden Hartzel, Mr. Platt, and Mr. Servizzi reopened the gymnasium in October 2022. More floor tiles containing asbestos were found under the bleachers in November 2022. The defendants left the tiles in place and allowed a Veterans Day program to proceed as scheduled. In August 2023, the gymnasium was again closed for approximately two weeks due to discovery of asbestos.

Mr. Ramsey frequented the gymnasium to play pool. He has experienced breathing difficulty, itching, and hives, which he attributes to asbestos exposure. He seeks injunctive relief and damages.

III. Discussion of Claims

Mr. Ramsey's claims against Deputy Warden Hartzel, Mr. Platt, and Mr. Servizzi **shall proceed** as claims of deliberate indifference to unsafe conditions of confinement in violation of the Eighth Amendment. These are the only viable claims identified by the court. All other claims have been dismissed. If Mr. Ramsey believes that additional claims were alleged in the complaint but not identified by the court, he shall have **through May 10, 2024**, to identify those claims.

IV. Service of Process


The **clerk is directed** pursuant to *Fed. R. Civ. P.* 4(c)(3) to issue process to defendants Deputy Warden Keith Hartzel, Recreation Director Chad Platt, and Mr. Servizzi in the manner specified by Rule 4(d). Process shall consist of the complaint, dkt. [2], applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Order.

The **clerk is directed** to serve the Indiana Department of Correction employees electronically.

Nothing in this Order prohibits the filing of a proper motion pursuant to Rule 12 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Date: 4/10/2024


RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Distribution:

FAIRLIS G. RAMSEY
905561
PLAINFIELD - CF
PLAINFIELD CORRECTIONAL FACILITY
Electronic Service Participant – Court Only

Electronic service to IDOC employees:

Deputy Warden Keith Hartzel
Chris Platt
Mr. Servizzi
(all at Plainfield Correctional Facility)